



INDIAN JOURNAL OF  
LEGAL REVIEW

VOLUME 5 AND ISSUE 14 OF 2025

INSTITUTE OF LEGAL EDUCATION



## INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 14 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-14-of-2025/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

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# “THE PLIGHT OF THE INDIAN JUDICIAL SYSTEM: CHALLENGES, DELAYS, AND THE QUEST FOR REFORM”

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**BEST CITATION** – VANMATHI N, “THE PLIGHT OF THE INDIAN JUDICIAL SYSTEM: CHALLENGES, DELAYS, AND THE QUEST FOR REFORM”, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (14) OF 2025, PG. 618-633, APIS – 3920 – 0001 & ISSN – 2583-2344.

## CHAPTER – 1

### 1.1 Introduction

The Indian judicial system, often regarded as the guardian of democracy and protector of constitutional rights, is currently facing a serious crisis of credibility. With over **4.7 crore pending cases**, delays have become the defining feature of justice delivery, making the maxim “**justice delayed is justice denied**” more relevant than ever. Prolonged litigation erodes public trust, hampers economic development, weakens democratic institutions, and undermines the fundamental promise of human rights.

The roots of this crisis lie in chronic case backlogs, persistent judicial vacancies, inadequate court infrastructure, procedural complexities, and unequal access to justice. Although several reform initiatives—such as the **e-Courts Mission Mode Project, ADR mechanisms, fast-track courts**, and the expansion of **public interest litigation** have attempted to improve efficiency, their overall impact has been uneven and insufficient to meet the scale of the problem. This underscores the need for deeper **structural, procedural, and technological** reforms.

This paper critically examines these challenges, evaluates the effectiveness of existing reforms, and incorporates comparative insights from global systems such as **Singapore, the United Kingdom, and the United States**. Strengthening judicial efficiency is essential not only for effective governance but also for safeguarding the rule of law. As India envisions becoming a developed nation by 2047, comprehensive judicial reform remains an urgent democratic imperative.

### 1.2 Aim and Objectives

#### Aim:

The central aim of this research is to critically examine the structural and procedural challenges confronting the Indian judicial system, with particular emphasis on the chronic delays in case disposal, systemic inefficiencies, and the urgent need for reforms. The study seeks to highlight how these issues undermine the constitutional promise of justice and to propose pathways for reform that balance efficiency with judicial independence.

#### Objectives:

- To investigate the root causes of judicial delays and backlog in Indian courts.
- To review and synthesize existing literature on judicial reforms, assessing their successes and shortcomings.
- To identify structural, procedural, and institutional challenges that impede timely justice delivery.
- To propose practical, evidence-based recommendations for improving

efficiency, accessibility, and transparency.

- To evaluate the broader implications of judicial delays on democracy, economic development, and human rights.

### 1.3 Review of Literature

The Indian judiciary has been the subject of extensive scholarly debate, with research spanning historical, sociological, and legal perspectives.

- **Case Backlog:** Data from the *National Judicial Data Grid*<sup>1057</sup> reveals that more than 4.7 crore cases are pending across various levels of courts, with some disputes lingering for decades. This backlog has been described as a “judicial crisis” that threatens the credibility of the system.
- **Judicial Vacancies:** Scholars such as<sup>1058</sup> B.N. Kirpal emphasize that unfilled judicial positions exacerbate pendency, as the judge-to-population ratio in India remains far below international standards.
- **Access to Justice:** Galanter (1984) and Sathe (2002)<sup>1059</sup> highlight socio-economic barriers faced by marginalized communities, including high litigation costs, lack of awareness, and geographical inaccessibility.
- **Reform Initiatives:** Studies on e-courts, ADR mechanisms, and fast-track courts suggest partial success in reducing pendency, but note limitations in scalability and inclusivity.
- **Comparative Studies:** Analyses of judicial systems in countries like Singapore and the UK demonstrate how

strict case management, digitization, and specialized courts can significantly reduce delays.

### 1.4 Research Problem

Despite constitutional guarantees of justice, the Indian judiciary continues to struggle with inefficiency, delays, and lack of accessibility. The persistence of case backlogs undermines public trust, hampers economic growth, and weakens democratic institutions. The research problem can therefore be articulated as: How can the Indian judicial system overcome systemic delays and inefficiencies to deliver timely, equitable, and accessible justice without compromising judicial independence?

### 1.5 Research Questions

This study is guided by the following research questions:

1. What are the primary causes of judicial delays in India?
2. How effective have past reform initiatives been in addressing these challenges?
3. What role can technology and alternative dispute resolution mechanisms play in reducing pendency?
4. How do judicial delays impact democracy, economic development, and human rights?
5. What reforms are necessary to ensure efficiency without undermining judicial independence?

### 1.6 Hypothesis

- **H1:** Judicial delays in India are primarily caused by systemic inefficiencies, including judicial vacancies, outdated procedures, and inadequate infrastructure.
- **H2:** Implementation of digital courts, ADR mechanisms, and transparent judicial appointments can significantly reduce

<sup>1057</sup> National Judicial Data Grid, *National Judicial Data Grid: Real-Time Data* (New Delhi: E-Courts Project, 2024), 5.

<sup>1058</sup> B. N. Kirpal, *Justice for All* (New Delhi: Oxford University Press, 2005), 45.

<sup>1059</sup> Marc Galanter, *Law and Society in Modern India* (Oxford: Oxford University Press, 1984), 112.

S. P. Sathe, *Judicial Activism in India* (New Delhi: Oxford University Press, 2002), 78.

pendency and restore public trust in the judiciary.

### 1.7 Research Methodology

This study adopts a **qualitative and descriptive research methodology** to critically analyse the structural, procedural, and institutional challenges affecting the Indian judiciary and to evaluate ongoing reform measures. The research relies primarily on **secondary data**, enabling a comprehensive understanding of the subject through existing literature and empirical datasets.

### 1.8 Scope and Limitations

#### Scope:

- The study focuses on the Indian judiciary at all levels, the Supreme Court, High Courts, and District Courts.
- It examines systemic delays, reform initiatives, and comparative insights from select global jurisdictions.
- Emphasis is placed on the legal, social, and economic impacts of judicial inefficiency.

#### Limitations:

- The study relies on secondary data; primary fieldwork and interviews are excluded.
- The scope is limited to judicial delays and reforms, excluding broader constitutional debates such as the separation of powers.
- Comparative analysis is restricted to select jurisdictions (UK, Singapore, USA), which may limit generalizability.

### 1.9 Scheme of Study

The research is organized into six chapters:

- **Chapter 1:** Introduction (aim, objectives, literature review, problem, questions, hypothesis, methodology, scope).
- **Chapter 2:** Historical evolution of the Indian judiciary.

- **Chapter 3:** Analysis of challenges (backlog, vacancies, infrastructure, access).
- **Chapter 4:** Review of reform initiatives (ADR, e-courts, fast-track courts).
- **Chapter 5:** Comparative study with global judicial systems.

## Chapter 2: Historical Evolution of the Indian Judiciary

### 2.1 Ancient and Medieval Judicial Traditions<sup>1060</sup>

#### Vedic Period

In ancient India, justice was closely tied to *Dharma* – the moral and ethical order governing society. Kings were regarded as the supreme authority in dispensing justice, but they were expected to rule in accordance with dharmic principles. Councils of learned men, often Brahmins, advised rulers on matters of law and morality. Dispute resolution was community-centered, with assemblies (*sabhas*) and local councils (*panchayats*) playing a significant role.

#### Mauryan Empire

The Mauryan period marked a more organized judicial administration. Emperor Ashoka emphasized fairness, compassion, and moral responsibility in governance. He appointed officers known as *Rajukas* to oversee justice at the local level. Ashoka's edicts reflect a concern for humane treatment, equity, and accessibility, laying early foundations for a welfare-oriented justice system.

#### Medieval Period

During the Mughal era, justice was delivered through *Qazis* (Islamic judges) who applied *Sharia* law, while Hindu communities often relied on customary practices and local panchayats. This dual system reflected India's pluralistic society but also created inconsistencies. Justice was often influenced by

<sup>1060</sup> : Dhavan, S. S. (Mr. Justice S. S. Dhavan) "The Indian Judicial System A Historical Survey: Part A

religion, tradition, and local customs, rather than codified law.

## 2.2 Colonial Judicial System

### East India Company Courts

The arrival of the British marked a turning point in India's judicial history. Initially, the East India Company applied English law to British subjects while allowing Indians to follow their customary laws. This duality created confusion and inequality, as different communities were subject to different legal standards.

### Regulating Act of 1773

The Regulating Act established the Supreme Court at Calcutta, introducing a formal judicial structure modelled on English common law. This was the first attempt to centralize judicial authority under colonial rule.

### High Courts Act of 1861

The Act created High Courts in Bombay, Madras, and Calcutta, replacing earlier Supreme Courts and Sadar Adalats. These High Courts integrated English common law with Indian traditions, laying the foundation for the modern judiciary.

### Dual System

Colonial courts coexisted with indigenous systems, often marginalizing traditional practices. The imposition of English law introduced concepts such as precedent and codification, but also alienated local populations by disregarding customary justice.

## 2.3 Post-Independence Judicial Framework<sup>1061</sup>

### Constitution of India (1950)

With independence, India adopted a Constitution that established the judiciary as an independent organ of the state. The Supreme Court was created as the apex court, entrusted with safeguarding fundamental rights and interpreting the Constitution.

## Hierarchy of Courts

The judicial structure was organized into three tiers:

- **Supreme Court:** Apex court with constitutional authority.
- **High Courts:** State-level courts with appellate jurisdiction.
- **District and Subordinate Courts:** Grassroots institutions handling civil and criminal cases.

## Judicial Review

The judiciary was empowered with judicial review, enabling it to strike down unconstitutional laws and executive actions. This reinforced the principle of checks and balances in governance.

## Expansion of Jurisdiction

The 1980s witnessed the rise of Public Interest Litigation (PIL), which broadened access to justice. PIL allowed citizens and organizations to approach courts on matters of public concern, making the judiciary more accessible to marginalized groups.

## Chapter 3: Challenges of the Indian Judicial System

### 3.1 Case Backlog and Pendency

India's judiciary is burdened with an unprecedented backlog of **over 4.7 crore pending cases**<sup>1062</sup> across all levels of courts. This backlog is not merely a statistical concern but a reflection of systemic inefficiency. Many cases remain unresolved for decades, leaving litigants trapped in prolonged legal battles. The principle of *justice delayed is justice denied* becomes a lived reality for millions.

The backlog is aggravated by several factors:

- **Frequent adjournments:** Lawyers often seek adjournments, and courts grant them liberally, slowing down proceedings.

<sup>1061</sup> George H. Gadbois, Jr.'s seminal work on the Supreme Court.

<sup>1062</sup> National Judicial Data Grid. "Total Cases Pending: 4,84,75,933." *National Judicial Data Grid*, e-Courts Project,

- **Procedural complexities:** Outdated procedural laws and reliance on manual systems delay case management.
- **Lack of strict timelines:** Unlike countries with strict case disposal schedules, India lacks enforceable deadlines for hearings and judgments.

The result is a judiciary that struggles to keep pace with the rising volume of litigation, creating a vicious cycle of delay and pendency.

### 3.2 Judicial Vacancies<sup>1063</sup>

Judicial vacancies are a critical contributor to pendency. Thousands of judge positions remain unfilled in the Supreme Court, High Courts, and District Courts. India’s judge-to-population ratio is significantly lower than global standards – while countries like the USA have around 100 judges per million people, India has fewer than 20.

Consequences of vacancies include:

- **Overburdened judges:** Existing judges handle excessive caseloads, reducing the quality and speed of judgments.
- **Delayed appointments:** The collegium system, while safeguarding independence, often results in slow and opaque appointment processes.
- **Impact on lower courts:** District and subordinate courts, which handle the bulk of litigation, suffer the most from vacancies, widening the gap between demand and supply of justice.

### 3.3 Infrastructure Deficit

The physical and technological infrastructure of Indian courts is inadequate to meet modern demands. Many courts lack basic facilities such as proper courtrooms, staff, and record-keeping systems. Rural and semi-urban courts are particularly disadvantaged, with litigants often traveling long distances to access justice.

Key issues include:

- **Poor facilities:** Overcrowded courtrooms, lack of seating, and insufficient staff hinder proceedings.
- **Limited technology adoption:** While e-courts have been introduced, their reach remains limited, especially in rural areas.
- **Inadequate funding:** Judicial infrastructure receives a small fraction of government budgets compared to other sectors, slowing modernization.

This deficit not only delays justice but also discourages marginalized communities from approaching courts.

### 3.4 Procedural Delays and Adjournments

Procedural inefficiency is a hallmark of the Indian judiciary. The culture of frequent adjournments has normalized delays, with cases often postponed multiple times before substantive hearings occur.

Factors contributing to procedural delays include:

- **Outdated laws:** Procedural codes drafted decades ago fail to meet contemporary needs.
- **Manual processes:** Reliance on paper-based filing and record-keeping slows down case management.
- **Exploitation of loopholes:** Lawyers and litigants often use procedural tactics to prolong cases, such as filing frivolous appeals.

These delays not only extend litigation but also increase costs, making justice inaccessible for many.

### 3.5 Access to Justice

Access to justice remains unequal in India. High litigation costs, complex procedures, and geographical barriers deter marginalized groups from seeking legal remedies.

<sup>1063</sup> Scholars such as B.N. Kirpal emphasize that unfilled judicial positions exacerbate pendency, as the judge-to-population ratio in India remains far below international standards. The Ministry of Law and Justice confirmed that, as of late 2024, over 5,200 posts remained vacant in lower courts alone

Challenges include:

- **Economic barriers:** Court fees, lawyer charges, and incidental expenses make litigation unaffordable for the poor.
- **Legal aid limitations:** Although the Legal Services Authorities Act provides for free legal aid, services remain underfunded and underutilized.
- **Language and awareness:** Proceedings are often conducted in English or regional languages unfamiliar to litigants, while lack of awareness about rights further restricts inclusivity.

As a result, justice becomes a privilege for the affluent, undermining the constitutional promise of equality before law.

### 3.6 Transparency and Accountability Concerns

Transparency and accountability are essential for public trust in the judiciary. However, perceptions of corruption, favoritism, and lack of openness erode confidence.

Issues include:

- **Opaque appointments:** The collegium system lacks transparency, leading to criticism of favoritism.
- **Limited accountability:** Mechanisms to hold judges accountable are weak, as judicial independence restricts external oversight.
- **Closed-door processes:** Many judicial decisions, especially regarding appointments and transfers, are made without public scrutiny.

While independence is vital, the absence of accountability mechanisms creates a perception of arbitrariness.

### 3.7 Impact of Judicial Delays<sup>1064</sup>

The consequences of judicial delays extend beyond individual litigants to society at large:

- **Democratic Weakness:** Constitutional guarantees remain unenforced when justice is delayed, weakening the rule of law.
- **Economic Costs:** Legal uncertainty discourages investment, slows business operations, and hampers economic growth.
- **Human Rights Concerns:** Undertrials languish in prisons for years without verdicts, violating their right to liberty.
- **Public Trust:** Citizens lose faith in the judiciary, leading to disillusionment with democratic institutions.

Thus, judicial delays are not merely administrative issues but fundamental threats to democracy and development.

## Chapter 4: Review of Reform Initiatives

### 4.1 Digitalization of Courts

The **E-Courts Project**, under the National e-Governance Plan<sup>1065</sup>, aimed to computerize the district and subordinate courts. Its objectives included digitizing case records, enabling online filing, and introducing automated case management systems.

- **Online Filing & Virtual Hearings:** The COVID-19 pandemic accelerated the adoption of video conferencing and online case management. Courts across the country began conducting hearings virtually, ensuring continuity of justice during lockdowns.
- **Effectiveness:** Digitalization has improved efficiency in urban courts, reduced paperwork, and enhanced transparency. Litigants can now track case status online, reducing dependence on intermediaries.
- **Limitations:** Rural and semi-urban courts face a digital divide due to poor internet connectivity, lack of infrastructure, and limited technical

<sup>1064</sup>Ahsan, Ahsanul M. "Justice Delayed is Development Denied: The Effect of Slow Courts on Economic Outcomes in India."

<sup>1065</sup> 2005

training for staff. Many litigants, especially from marginalized communities, remain excluded from digital justice.

Digitalization represents a transformative step, but its success depends on bridging the rural-urban gap and ensuring inclusivity.

#### 4.2 Alternative Dispute Resolution (ADR)

ADR mechanisms such as **mediation, arbitration, and conciliation** have been promoted to reduce the burden on courts, particularly in commercial disputes. **Lok Adalat's**, established under the Legal Services Authorities Act, provide speedy resolution of minor civil and criminal matters.

- **Effectiveness:** ADR has successfully resolved lakhs of cases, particularly through Lok Adalat's, which are cost-effective and accessible. Arbitration has gained prominence in commercial disputes, offering quicker resolution compared to traditional litigation.
- **Limitations:** Awareness and trust in ADR mechanisms remain low among the general public. Many litigants prefer formal courts, perceiving ADR as less authoritative. Arbitration proceedings can also be expensive, limiting their accessibility.

ADR has potential to significantly reduce pendency, but greater public awareness and institutional support are required to mainstream its use.

#### 4.3 Fast-Track and Specialized Courts

To address specific categories of cases, **fast-track courts**<sup>1066</sup> and specialized tribunals have been established. Fast-track courts were introduced to deal with sexual assault, corruption, and commercial disputes, while specialized tribunals handle family, consumer, and environmental matters.

- **Effectiveness:** These courts have reduced pendency in targeted areas, ensuring quicker disposal of sensitive cases. For example, fast-track courts dealing with sexual assault cases have expedited justice for victims.
- **Limitations:** Many fast-track courts are underfunded and understaffed, leading to uneven performance. Specialized tribunals often face jurisdictional overlaps and lack adequate infrastructure.

While specialized courts streamline justice in specific domains, their sustainability depends on consistent funding and clear jurisdictional boundaries.

#### 4.4 Judicial Appointments and Collegium Reforms

The **collegium system**, where judges appoint judges, was designed to safeguard judicial independence. However, it has been criticized for lack of transparency and accountability. The **National Judicial Appointments Commission (NJAC)**, proposed to replace the collegium, was struck down by the Supreme Court in 2015 for violating judicial independence.

- **Effectiveness:** The collegium system ensures independence from executive interference, preserving judicial autonomy.
- **Limitations:** Delays in appointments and opaque decision-making processes exacerbate judicial vacancies. Critics argue that the system lacks accountability and fails to reflect diversity in appointments.

Reforming judicial appointments remains one of the most contentious issues, requiring a balance between independence and transparency.

<sup>1066</sup> Department of Justice, Ministry of Law and Justice, Government of India

#### 4.5 Legal Aid and Public Awareness

The **Legal Services Authorities Act**<sup>1067</sup> established legal aid services to provide free representation for marginalized groups. Additionally, **Public Interest Litigation (PIL)** expanded access to justice by allowing citizens and NGOs to approach courts on matters of public concern.

- **Effectiveness:** PILs have empowered citizens to seek justice on issues ranging from environmental protection to human rights. Legal aid services have provided representation to millions of poor litigants.
- **Limitations:** Legal aid remains underfunded and understaffed, limiting its reach. PILs, while transformative, have sometimes been misused for publicity or political purposes, diluting their credibility.

Strengthening legal aid and ensuring responsible use of PILs are essential to make justice more inclusive.

### Chapter 5: Comparative Study with Global Judicial Systems<sup>1068</sup>

#### 5.1 Singapore

Singapore is often cited as a model of judicial efficiency.

- **Case Management:** Courts in Singapore employ strict timelines and judicial monitoring to prevent unnecessary adjournments. Judges actively manage cases, ensuring that hearings proceed without undue delay. This proactive approach contrasts with India's passive case scheduling, where adjournments are frequently granted.
- **Technology Integration:** Singapore's judiciary is highly digitized. Electronic filing systems, virtual hearings, and AI-assisted scheduling tools streamline

case management. Litigants and lawyers can access case information online, reducing reliance on physical records.

- **Efficiency:** The average case disposal time in Singapore is significantly shorter compared to India. Civil and commercial disputes are often resolved within months, whereas similar cases in India may take years.
- **Lesson for India:** Strong case management practices and full-scale digital adoption can drastically reduce pendency. India must invest in judicial training, infrastructure, and technology to replicate Singapore's success.

#### 5.2 United Kingdom

The United Kingdom has developed a judicial system that emphasizes specialization and transparency.

- **Specialized Courts:** The UK has established commercial courts, family courts, and administrative tribunals to streamline specific categories of disputes. This specialization ensures that judges with expertise handle complex cases, leading to quicker and more informed decisions.
- **Alternative Dispute Resolution (ADR):** Mediation and arbitration are widely used in the UK, reducing the burden on traditional courts. ADR mechanisms are integrated into the judicial process, with parties often encouraged to resolve disputes outside formal litigation.
- **Transparency:** Judicial appointments are overseen by independent commissions, ensuring accountability and reducing perceptions of favoritism. This system contrasts with India's collegium model, which has been criticized for opacity.
- **Lesson for India:** Specialized courts and transparent appointment processes can

<sup>1067</sup> 1987 Act

<sup>1068</sup> India, Ministry of Finance. Department of Economic Affairs, "Ending Matsyanyaya

enhance efficiency and public trust. India could benefit from establishing more specialized tribunals and reforming its appointment system to ensure accountability without compromising independence.

### 5.3 United States

The United States judicial system combines strong infrastructure with widespread use of ADR.

- **ADR & Plea Bargaining:** ADR mechanisms such as mediation and arbitration are widely used in civil cases, while plea bargaining is a common practice in criminal cases. These mechanisms significantly reduce trial loads, allowing courts to focus on complex disputes.
- **Judicial Infrastructure:** Courts in the US are well-funded, with advanced technology and adequate staffing. This ensures that judges and court staff can manage caseloads effectively.
- **Public Access:** Court proceedings are often open to the public, reinforcing transparency and accountability. Media coverage of trials further enhances public awareness and trust in the judiciary.
- **Lesson for India<sup>1069</sup>:** ADR mechanisms and adequate funding can reduce pendency and improve accessibility. India must strengthen its infrastructure and promote ADR to ease the burden on courts.

### 5.4 Comparative Insights

A comparative analysis reveals several common themes across global judicial systems:

- **Technology:** Countries like Singapore and the UK demonstrate how digitization

can transform judicial efficiency. India's e-courts project must be expanded and strengthened to achieve similar results.

- **Specialization:** Specialized courts in the UK and US show that targeted reforms reduce delays. India should establish more specialized tribunals to handle commercial, family, and cyber disputes.
- **ADR<sup>1070</sup>:** Mediation, arbitration, and plea bargaining are effective tools to reduce case load. India must promote ADR through awareness campaigns and institutional support.
- **Transparency:** Independent commissions for judicial appointments strengthen accountability. India must reform its appointment system to balance independence with transparency.

The comparative study highlights that judicial efficiency is achievable through a combination of technology, specialization, ADR mechanisms, and transparency in appointments. While India faces unique challenges due to its size, diversity, and socio-economic disparities, lessons from Singapore, the UK, and the US demonstrate that reforms can yield significant improvements. By adapting global best practices to its context, India can transform its judiciary into a system that delivers timely, equitable, and accessible justice.

## Chapter 6: Findings, Recommendations, and Conclusion

### 6.1 Findings

The study reveals a **multi-layered crisis** within the Indian judiciary, shaped by historical legacies, structural deficiencies, and procedural inefficiencies. The findings can be grouped into thematic clusters:

#### 6.1.1. Persistent Backlog and Pendency

- **Scale of the problem:** With over 4.7 crore pending cases, pendency has become

<sup>1069</sup> Evolved from traditional methods (Panchayats) to formal laws, with key milestones being the Arbitration Act, 1940, and the landmark Arbitration and Conciliation Act, 1996

<sup>1070</sup> Arbitration and Conciliation Act, 1996

endemic rather than episodic. Subordinate courts account for nearly 90% of these cases, highlighting the strain at the grassroots level.

- **Nature of delays:** Many cases remain unresolved for decades, undermining the principle of *justice delayed is justice denied*.
- **Implications:** Pendency erodes public trust, discourages investment, and weakens constitutional guarantees. It also creates a vicious cycle where delayed justice leads to more appeals, further burdening higher courts.

#### 6.1.2. Judicial Vacancies and Capacity Deficit

- **Vacancy crisis:** Thousands of sanctioned judicial positions remain unfilled across the Supreme Court, High Courts, and District Courts.
- **Judge-to-population ratio:** India has fewer than 20 judges per million people, compared to over 100 in countries like the USA.
- **Impact:** Existing judges are overburdened, leading to slower case disposal and reduced quality of judgments. Vacancies also delay the constitution of benches, especially in High Courts.

#### 6.1.3. Infrastructure Deficit

- **Physical infrastructure:** Many courts lack adequate courtrooms, staff, and basic facilities. Rural courts often operate in dilapidated buildings with poor accessibility.
- **Technological infrastructure:** While e-courts have been introduced, adoption remains uneven. Rural and semi-urban courts face connectivity issues, lack of trained personnel, and limited digital literacy among litigants.
- **Implications:** Infrastructure deficits hinder modernization, perpetuate

inefficiency, and restrict access for marginalized communities.

#### 6.1.4. Procedural Inefficiencies

- **Adjournment culture:** Frequent adjournments have become normalized, with cases postponed multiple times before substantive hearings occur.
- **Outdated codes:** Procedural laws drafted decades ago fail to meet contemporary needs, creating bottlenecks in evidence collection and trial processes.
- **Manual processes:** Reliance on paper-based filing and record-keeping slows down case management.
- **Implications:** Procedural inefficiencies extend litigation lifecycles, increase costs, and incentivize tactical delays by litigants and lawyers.

#### 6.1.5. Access Inequality

- **Economic barriers:** High litigation costs deter poor and marginalized groups from approaching courts.
- **Legal aid limitations:** Although mandated by the Legal Services Authorities Act, legal aid remains underfunded and underutilized.
- **Language and awareness barriers:** Proceedings are often conducted in English or regional languages unfamiliar to litigants, while lack of awareness about rights further restricts inclusivity.
- **Implications:** Justice becomes a privilege for the affluent, undermining the constitutional promise of equality before law.

#### 6.1.6. Transparency and Accountability Concerns

- **Opaque appointments:** The collegium system, while safeguarding independence, lacks transparency and has been criticized for favoritism.

- **Limited accountability:** Mechanisms to hold judges accountable are weak, as judicial independence restricts external oversight.
- **Closed-door processes:** Decisions on appointments and transfers are often made without public scrutiny.
- **Implications:** Perceptions of corruption and favoritism erode public trust, even if actual misconduct is rare.

#### 6.1.7. Partial Success of Reform Initiatives

- **Achievements:** ADR mechanisms, Lok Adalats, fast-track courts, and e-courts have reduced pendency in targeted areas. PILs have expanded access to justice for social causes.
- **Limitations:** Reforms remain unevenly implemented, underfunded, and often restricted to urban centers.
- **Implications:** Without scaling reforms nationwide, their impact remains limited.

#### 6.1.8. Global Lessons

- **Singapore<sup>1071</sup>:** Demonstrates the effectiveness of strict case management and digitization.
- **United Kingdom<sup>1072</sup>:** Shows how specialized courts and transparent appointments enhance efficiency.
- **United States<sup>1073</sup>:** Highlights the role of ADR and robust funding in reducing pendency.
- **Implications:** India can adapt these practices to its context, focusing on technology, specialization, and accountability.

### 6.2 Recommendations

The findings highlight that India's judicial crisis is systemic, requiring **multi-dimensional**

**reforms.** Recommendations are grouped into **structural, procedural, technological, inclusivity, and governance domains**, each with clear objectives and outcomes.

#### A. Structural Reforms

Structural reforms address the **capacity and institutional design** of the judiciary.

- **Filling Judicial Vacancies Promptly:**

- **Rationale:** Vacancies are a primary driver of pendency.
- **Action:** Establish a time-bound appointment cycle (e.g., 90–120 days) with transparent criteria.
- **Outcome:** Balanced caseloads, reduced delays, and improved quality of judgments.

- **Increasing Judge-to-Population Ratio:**

- **Rationale:** India has fewer than 20 judges per million people, far below global standards.
- **Action:** Gradually raise the ratio to at least 50 judges per million over the next decade.
- **Outcome:** Enhanced judicial capacity, faster case disposal, and reduced backlog.

- **Establishing Specialized Courts:**

- **Rationale:** Complex disputes (commercial, family, cyber, environmental) require expertise.
- **Action:** Expand specialized courts with trained judges and streamlined procedures.
- **Outcome:** Faster resolution of specialized cases, reduced burden on general courts.

#### B. Procedural Reforms

Procedural reforms target **inefficiencies in case handling and trial processes.**

- **Strict Timelines for Case Disposal:**

<sup>1071</sup> Arbitration Act, the International Arbitration Act, and the Mediation Act 2017.

<sup>1072</sup> Arbitration Act 1996, recently updated by the English Arbitration Act 2025

<sup>1073</sup> The Alternative Dispute Resolution Act of 1998

- **Rationale:** Lack of enforceable deadlines prolongs litigation.
- **Action:** Introduce statutory timelines for hearings, evidence collection, and judgments.
- **Outcome:** Predictable case lifecycles, reduced adjournments, and improved efficiency.

● **Adjournment Discipline:**

- **Rationale:** Adjournments are a major cause of pendency.
- **Action:** Limit adjournments to exceptional circumstances, require written reasons, and track adjournment ratios.
- **Outcome:** Reduced tactical delays, faster hearings, and accountability in scheduling.

● **Simplification of Procedural Codes:**

- **Rationale:** Outdated codes hinder efficiency.
- **Action:** Update Civil Procedure Code and Criminal Procedure Code to streamline evidence, discovery, and appeals.
- **Outcome:** Simplified litigation, reduced complexity, and quicker trials.

**C. Technological Reforms**

Technology is a **transformative enabler** of judicial efficiency.

● **Nationwide Expansion of E-Courts:**

- **Rationale:** Digitalization reduces paperwork and enhances transparency.
- **Action:** Ensure uniform adoption of e-filing, digital cause lists, and virtual hearings across all courts.
- **Outcome:** Faster filings, reduced manual errors, and improved accessibility.

● **AI-Assisted Tools<sup>1074</sup>:**

- **Rationale:** AI can optimize scheduling and case tracking.
- **Action:** Deploy AI for document management, predictive analytics, and workload balancing.
- **Outcome:** Efficient resource allocation, reduced delays, and data-driven decision-making.

● **Rural Enablement:**

- **Rationale:** Rural courts lag in digital adoption.
- **Action:** Establish court service centers with assisted e-filing, kiosks, and multilingual support.
- **Outcome:** Inclusive access to digital justice, bridging the rural-urban divide.

**D. Access and Inclusivity**

Justice must be **equitable and accessible** to all citizens.

● **Strengthening Legal Aid Services:**

- **Rationale:** Marginalized groups face barriers to justice.
- **Action:** Increase funding, recruit paralegals, and establish mobile legal clinics.
- **Outcome:** Wider reach of legal aid, reduced exclusion, and empowerment of vulnerable communities.

● **Awareness Campaigns:**

- **Rationale:** Citizens often lack knowledge of ADR and legal rights.
- **Action:** Launch nationwide campaigns through schools, media, and community centers.

<sup>1074</sup> SUPACE (Supreme Court Portal for Assistance in Court Efficiency)

- **Outcome:** Greater use of ADR, reduced litigation, and informed citizenry.

- **Multilingual Support:**

- **Rationale:** Language barriers restrict inclusivity.
- **Action:** Provide real-time translation in hearings and multilingual filings.
- **Outcome:** Enhanced participation, reduced exclusion, and improved fairness

### E. Transparency and Accountability

Governance reforms ensure **trust and credibility** in the judiciary.

- **Independent Commissions for Judicial Appointments:**

- **Rationale:** Collegium system<sup>1075</sup> lacks transparency.
- **Action:** Establish commissions with published criteria, timelines, and outcomes.
- **Outcome:** Transparent appointments, preserved independence, and improved diversity.

- **Performance Audits:**

- **Rationale:** Courts lack systematic evaluation.
- **Action:** Conduct annual audits on pendency, adjournments, and disposal rates.
- **Outcome:** Continuous improvement, accountability, and evidence-based policymaking.

- **Open Data Initiatives:**

- **Rationale:** Public trust requires transparency.

- **Action:** Publish dashboards with real-time case statistics, adjournment ratios, and clearance rates.

- **Outcome:** Citizen engagement, accountability, and informed debate on judicial reforms.

### 6.3 Implementation Roadmap

Transforming the Indian judiciary requires a **phased, strategic roadmap** that balances urgency with sustainability. Reforms must be sequenced to deliver quick wins, build institutional capacity, and embed long-term systemic change. The roadmap is divided into **three phases** – Foundations, Scale & Standardization, and Optimization & Sustainability.

#### Phase I (0–12 months): Foundations and Quick Wins

This phase focuses on immediate interventions to reduce pendency and build momentum.

- **Judicial Vacancies<sup>1076</sup>:**

- Fast-track appointment panels to fill existing vacancies within 6–12 months.
- Publish transparent criteria and timelines for appointments.

- **Case Management Pilots:**

- Introduce unified case management systems (CMS) in select High Courts.
- Mandate digital cause lists and enforce adjournment discipline.

- **Adjournment Rules:**

- Notify strict adjournment policies requiring written reasons.
- Begin tracking adjournment ratios per case.

- **ADR Pilots:**

<sup>1075</sup> Evolved from landmark Supreme Court cases, known as the "Three Judges Cases" (1981, 1993, 1998).

<sup>1076</sup> over 4,800 vacant posts in District Courts and hundreds in High Courts

- Establish court-annexed mediation centers in commercial and family courts.
- Train mediators and certify arbitration institutions.

● **Access Enablers:**

- Launch district-level service centers with assisted e-filing and multilingual support.
- Begin awareness campaigns on ADR and legal aid.

**Expected Outcomes:** Visible reduction in adjournments, improved transparency in appointments, and early adoption of ADR.

**Phase II (12–24 months): Scale and Standardization**

This phase expands reforms nationwide, ensuring consistency across jurisdictions.

● **Nationwide E-Courts Rollout:**

- Implement e-filing, digital records, and virtual hearings across all courts.
- Train judges, lawyers, and staff in digital tools.

● **Specialized Courts Expansion:**

- Establish commercial, family, cyber, and environmental courts in all states.
- Develop SOPs and continuous judicial education modules.

● **Legal Aid Revamp:**

- Introduce performance-linked funding for legal aid authorities.
- Deploy paralegal networks and mobile legal clinics in rural areas.

● **Open Dashboards:**

- Publish real-time judicial performance dashboards showing pendency, clearance rates, and adjournment ratios.

- Ensure public accessibility and quarterly updates.

**Expected Outcomes:** Uniform digital adoption, specialized expertise in complex disputes, stronger legal aid, and enhanced transparency.

**Phase III (24–36 months): Optimization and Sustainability**

This phase consolidates reforms and embeds accountability mechanisms.

● **Analytics-Driven Scheduling:**

- Use AI to balance workloads, prioritize aged cases, and predict disposal timelines.

● **Independent Evaluations:**

- Commission external audits of ADR outcomes, specialized courts, and digital adoption.
- Publish annual “Judicial Performance Reports.”<sup>1077</sup>

● **Legislative Updates:**

- Amend procedural codes to align with digitization and case management reforms.
- Introduce statutory recognition of ADR settlements.

● **Institutionalization:**

- Establish permanent judicial reform units within the Ministry of Law & Justice.
- Create feedback loops with bar associations, civil society, and academia.

**Expected Outcomes:** Sustainable reduction in backlog, institutionalized reforms, and measurable improvements in efficiency and access.

**6.4 Conclusion**

The Indian judiciary, shaped through centuries of evolution from dharmic

<sup>1077</sup> tools used to evaluate judges' effectiveness, efficiency, and conduct

traditions to colonial influence and ultimately to a constitutional framework, stands as the chief guardian of democracy and fundamental rights. However, this study demonstrates that the system is strained by chronic delays, rising backlogs, judicial vacancies, inadequate infrastructure, and procedural inefficiencies. These gaps have eroded public confidence, weakened constitutional protections, and imposed significant social and economic burdens.

Reform measures such as e-courts, alternative dispute resolution, fast-track courts, and public interest litigation have shown potential, yet inconsistent implementation has limited their overall impact. Comparative insights from jurisdictions like Singapore, the United Kingdom, and the United States indicate that judicial efficiency can be achieved through strict case management, specialization, digitization, and strong ADR ecosystems. These global lessons, suitably adapted, can guide India's reform trajectory.

The study proposes a phased implementation roadmap, emphasizing quick institutional improvements, national-scale adoption, and long-term sustainability through continuous monitoring. Challenges such as digital exclusion, resistance to change, and privacy concerns must be addressed through inclusive design and accountability mechanisms.

Ultimately, judicial reform is a democratic imperative. India's vision of becoming a developed nation by 2047 depends on a judiciary that ensures timely, equitable, and accessible justice. Strengthening the judiciary will reinforce democracy, protect rights, and promote national progress.

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